

Amendments to the Drawings:

Attached hereto are replacement sheet of drawings containing FIGS. 10 and 21. In FIG. 10, reference numeral 112 has been added. In FIG. 21, reference numeral 238 has been deleted.

REMARKS/ARGUMENTS

Re-examination and favorable reconsideration in light of the above amendments and the following comments are respectfully requested.

Claims 11 - 20 are pending in the application. Currently, all claims stand rejected.

By the present amendment, claims 11, 13, and 18 have been amended. Support for the amendments to claims 11 and 20 can be found on page 8, lines 5 to 7 of the specification and in Figures 7 and 9 of the drawings.

In the office action mailed August 14, 2006, claims 11 - 16 and 18 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Publication No. 2003/0220643 to Ferree; claims 11 and 16 - 20 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,986,771 to Paul; and claims 11, 16, 18, and 20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Paul (different interpretation).

The foregoing rejections are traversed by the instant response.

Claim 11 has been amended to be directed to a linking element for a spinal fixation system designed to link at least two implantable connecting assemblies, wherein said element comprises at least partly of a support made of polymer material and of two rods, a first of said rods being curved or not, substantially coaxial with said support, a second of said rods being formed of turns surrounding the first of said rods, and said turns being at least partly embedded in said support.

Ferree describes a linking element comprising at least partly of a support (1110) made of polymer material and of two rods (1102, 1112) with a first rod (1102) either curved or not, substantially coaxial with the support and a second rod (1112) formed of turns surrounding the first rod. However, in Ferree, there is no disclosure of a second rod with some turns at least partly embedded in the support.

For these reasons, claim 11 is not anticipated and is allowable over Ferree.

Claims 12 - 16 are allowable for the same reasons as claim 11 as well as on their own accord.

Claim 18 is allowable for the same reasons that claim 11 is allowable.

With respect to the obviousness rejections based on Paul, this patent document describes a linking element comprising a support and a rod (see FIGS. 12 and 12A). Paul fails to teach or suggest a linking element comprising two rods such as defined in claims 11 and 18. For these reasons, claims 11 and 18 are patentable over Paul.

Claims 16, 17, 19, and 20 are allowable for the same reasons as their parent claims as well as on their own accord.

Further in the office action, the Examiner objected to the Abstract. A revised Abstract is presented herein. The Examiner is requested to approve same.

Still further in the office action, the Examiner objected to the drawings. With respect to the reference character "115", the Examiner contends that Applicant has used the reference character to designate an axis in Figure 1. A review of the drawings shows that there is no reference number 115 in FIG. 1. The Examiner appears to have been mistaken on this point. Similarly, the Examiner in paragraph 6 mentions a reference number "135" as being in FIG. 1. However, Applicant can not find any such number in FIG. 1.

With regard to the reference number "1" on page 12, paragraph

90, this should be "101". Appropriate correction to the specification has been made.

With regard to the reference number "112" on page 11, paragraph 87, a replacement sheet of drawings containing a revised FIG. 10 is enclosed herewith. Similarly, with regard to reference number "238", a replacement sheet of drawings containing a revised FIG. 21 without this number is enclosed herewith. The Examiner is hereby requested to approve both of these sheets of drawings.

The instant application is now believed to be in condition for allowance. Such allowance is respectfully solicited.

Should the Examiner believe an additional amendment is needed to place the case in condition for allowance, he is hereby invited to contact Applicant's attorney at the telephone number listed below.

Enclosed herewith is a two month extension of time request and a check in the amount of \$450.00 to cover the extension of time fee. Should the Director determine that an additional fee is due, he is hereby authorized to charge said fee to Deposit Account No. 02-0184.

Respectfully submitted,

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I, Karen M. Gill, hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail in an envelope addressed to: "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313" on January 16, 2007.

